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C.H.

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/580,056 | 05/27/00 | STRUMOLO | G 199-2102 |
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MM92/0110

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EXAMINER

ROBINSON, M

ART. UNIT

PAPER NUMBER

2872

DATE MAILED: 01/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/580,056

Applicant(s)

Strumolo

Examiner

Mark R blinson

Group Art Unit

2872



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. A substitute specification excluding claims is required pursuant to 37 CFR 1.125(a) because the pages do not have adequate margins, and as a result certain portions of text have been punched out during clerical processing of the application.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,5,6 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by McCord (4,264,144).

With respect to claims 1,2,5,6 and 11-14, McCord shows in figure 4 or 10 a vehicle mirror including a planar portion(17,25) and a curved portion(18,26) with continuously varying radius of curvature and varying height. Note that both of the portions are in close proximity to the vehicle, and that the planar portion provides a true measure of distance while the curved portion provides a false measure of distance.

With respect to claim 10, McCord teaches an elliptical cross-section in column 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3,7 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCord (4,264,144) in view of Luchtenberg.

McCord does not show a score line between the two mirror portions. However, score lines are known to be used in mirrors with two viewing portions and an example is shown by Luchtenberg (note line 14,23). It would have been obvious to the ordinarily skilled artisan at the time of invention to include the line shown by Luchtenberg in McCord's device in order to assist the driver in distinguishing between the two mirror portions, as taught by Luchtenberg.

With respect to claim 17, McCord teaches the curved portion(18) to be elliptical as discussed above.

With respect to claims 18-20, McCord in view of Luchtenberg does not teach a mirror moving means comprising switch and motor. However, such are well known to be used in vehicle mirror systems (note also that an angular range of 7 degrees is common), and it would have been obvious at the time of invention to include such mirror moving means in the device of McCord in view of Black in order to provide the mirror with the convenience of electrical adjustment.

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6. Claims 4,8,9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCord (4,264,144) in view of Black et al.

McCord does not specifically show the mirror to be movably coupled to the vehicle or the mirror to be contained within a shroud. However, each of these features is well known in vehicle mirror systems and examples are shown by Black (note shroud 61 and moving means 62,63). It would have been obvious to the ordinarily skilled artisan at the time of invention to movably couple the mirror and vehicle in order to allow for adjustment of the mirror, and it would also have been obvious to enclose the mirror within a shroud or housing in order to provide protection for the mirror, as shown by Black.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fellmeth, Kondo et al, McCord (4,449,786), Edelman, and Hagiri all show vehicle mirrors with multiple viewing portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506. The

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appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Mark Robinson

Patent Examiner

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1/5/01